

In the Supreme Court of the United States.

OCTOBER TERM, 1921.

JOHN A. GROGAN, COLLECTOR OF INTERNAL Revenue for the First District of Michigan, and Richard I. Lawson, Collector of Customs for the Eastern District of Michigan, appellants,	} No. 615.
<i>v.</i>	
HIRAM WALKER & SONS (LTD.)	

APPEAL FROM THE DISTRICT COURT OF THE UNITED STATES FOR THE EASTERN DISTRICT OF MICHIGAN.

THE ANCHOR LINE (HENDERSON BROTHERS), (Ltd.), appellant,	} No. 639.
<i>v.</i>	
GEORGE W. ALDRIDGE, COLLECTOR OF Customs for the Port of New York.	

APPEAL FROM THE DISTRICT COURT OF THE UNITED STATES FOR THE SOUTHERN DISTRICT OF NEW YORK.

MOTION TO ADVANCE.

Comes now the Solicitor General on behalf of the appellants in case No. 615, and the appellee in No. 639, and respectfully moves the court to advance

these cases for argument on some day of the present term convenient to the court.

These suits were brought to restrain Government officers from seizing two shipments of liquor while in the United States, one of which was being shipped from Scotland to Bermuda via the port of New York, and the other from Canada to Mexico via the port of Detroit.

They involve the application of the National Prohibition Act to shipments of liquor from one foreign country to another, or the same, through territory of the United States, and present the question whether the treaty of July 4, 1871, between the United States and Great Britain, and section 3005 of the Revised Statutes (which exempted from customs duties merchandise arriving in this country destined for foreign countries, which otherwise would have been subject to duty) are inconsistent with, and therefore repealed by, section 3 of Title II of the national prohibition act (41 Stat. 308), which provides as follows:

No person shall on or after the date when the eighteenth amendment to the Constitution of the United States goes into effect manufacture, sell, barter, transport, import, export, deliver, furnish or possess any intoxicating liquor except as authorized by this act, and all the provisions of this act shall be liberally construed to the end that the use of intoxicating liquor as a beverage may be prevented.

Liquor for nonbeverage purposes and wine for sacramental purposes may be manufac-

tured, purchased, sold, bartered, transported, imported, exported, delivered, furnished and possessed, but only as herein provided, and the commissioner may, upon application, issue permits therefor: * * *.

In the Walker case, decided August 23, 1921, the District Court for the Eastern District of Michigan held that the treaty with Great Britain and section 3005 of the Revised Statutes were not repealed for the reason that the national prohibition act did not apply to shipments of liquor to the United States for the purpose of being reshipped to another country, whereas in the Anchor Line case the District Court for the Southern District of New York held that the treaty with Great Britain was abrogated and that section 3005 of the Revised Statutes was repealed by the national prohibition act, which prohibited such shipments.

The conflict between these two decisions has caused much confusion and uncertainty and the enforcement of the prohibition law has consequently been rendered more difficult, to the embarrassment of the Federal Government and the general public. It is therefore important that an early hearing may be had in these cases.

Notice of this motion has been served on opposing counsel.

JAMES M. BECK,
Solicitor General.

FEBRUARY, 1922.